

6/7/23

1 MICHAEL LEHNERS, ESQ.
2 429 Marsh Ave.
3 Reno, Nevada 89509
4 Nevada Bar Number 003331
(775) 786-1695
email michaellehners@yahoo.com
5 Attorney for Plaintiff Chapter 7 Trustee
Christopher P. Burke

6 UNITED STATES BANKRUPTCY COURT
7 DISTRICT OF NEVADA

8 oOo

9
10 BK-N- 20-50660-GS
11 CHAPTER 7

12 IN RE

13 METAL RECOVERY SOLUTIONS,
14 INC., aka MRS, INC,

15 Debtor(s).
16 _____ /

Hearing Date: _____
and Time: _____
Mtn No. _____

NOTICE OF EXTENSION OF TIME FOR
EMPIRE CAPITAL MANAGEMENT, LLC TO
TENDER THE \$2,500,000 PURSUANT TO
THIS COURT'S MAY 5, 2023 ORDER
APPROVING TRUSTEE'S MOTION TO
APPROVE SALE OF CLAIMS AND OTHER
BANKRUPTCY ESTATE ASSETS (ECF 317)

17 Chapter 7 Trustee, Christopher P. Burke, by and through his counsel, Michael Lehners,
18 Esq. files the following Notice of Extension of Time for Empire Capital Management, LLC to
19 tender the \$2,500,000 pursuant to this Court's May 5, 2023 Order Approving Trustee's Motion
20 to Approve Sale of Claims and Other Bankruptcy estate Assets (ECF 317).

21 Pursuant to this Court's May 5, 2023 Order, Element Global Inc (referred to as
22 Element) was obligated to tender the \$2,500,000 purchase price by May 26, 2023. Element
23 requested a brief extension from May 26 to June 5, 2023. The Trustee consented to this short
24 extension on the express condition that both JEX Technologies Corp., (referred to as Jex) and
25 Dr. Seal consent to be bound to pay their collective backup bid of \$2,450,000 should Element
26 fail to pay by June 5, 2023. This consent was placed in writing and signed by the respective
27 attorneys for Element, Jex and Dr. Seal.

1 On June 5, 2023 Element requested a second extension from June 5, 2023 to June 30,
2 2023. The Trustee consented on the following conditions:

3 1. Element shall immediately pay the Chapter 7 Trustee the sum of \$50,000,
4 which will be applied to the \$2,500,000 purchase price.

5 2. Should element fail to pay the \$2,450,000 balance by June 30, 2023 the
6 \$50,000 is non-refundable and may be kept by the Trustee.

7 3. Jex and Dr. Seal shall consent in writing to be bound to pay their collective
8 backup bid of \$2,450,000 should Element fail to pay by June 30, 2023.

9 On June 6, 2023 Element sent by Federal Express a certified check for \$50,000 which
10 was received June 7, 2023. On June 6, 2023 Jex and Dr. Seal consented in writing to be bound
11 to pay their collective backup bid of \$2,450,000 should Element fail to pay by June 30, 2023.

12 A copy of the certified check and the written consent of Jex and Dr. Seal are attached
13 hereto as Exhibit "1".

14
15 Dated: This 7 day of June, 2023

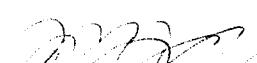
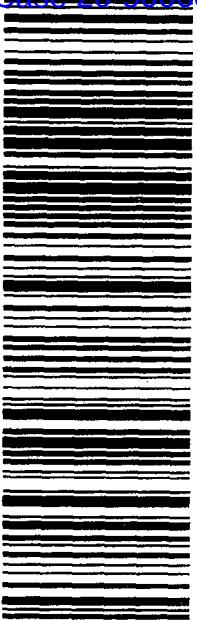
16
17 By: 
18 Michael Lehneis, Esq.
19 429 Marsh Ave.
20 Reno, Nevada 89509
21 Nevada Bar Number 003331

Exhibit 1

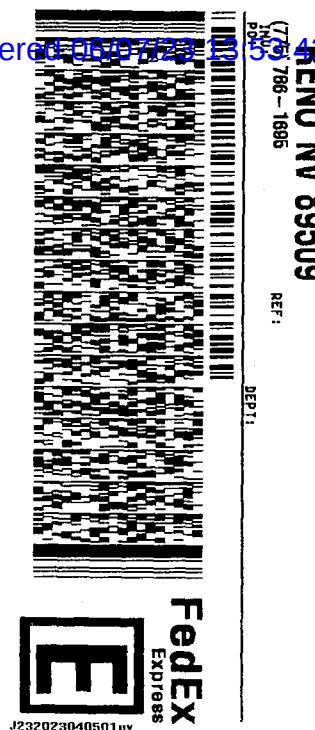
Exhibit 1



WQ RNOA

NV-US
RNO
89509

WED - 07 JUN 10:30A
TRK# 3992 9076 9628
PRIORITY OVERNIGHT



ORIGIN ID: CIBA (310) 985-1161
ELEMENT GLOBAL
12722 MILLENNIUM DR
B235
PLAYA VISTA, CA 90094
UNITED STATES US

0 MICHAEL C LEHNERS

SHIP DATE: 06JUN23

ACT WTGT: 0.10 LB

CAD: 006994999/SSFE2421

BILL CREDIT CARD

Part # 156297-48510022785P 05/24

1155702353

June 6, 2023

CASHIER'S CHECK

PRINTED ON LINEMARK PAPER...HOLD TO LIGHT TO VIEW. FOR ADDITIONAL SECURITY FEATURES SEE BACK.

0011557 11-24:
Office AU # 1210(8)

Remitter: ELEMENT GLOBAL INC.
Operator I.D.: u617869 u435156

PAY TO THE ORDER OF ***CHAPTER 7 TRUSTEE CHRISTOPHER BURKE***

**Fifty Thousand and 00/100 -US Dollars **

Payee Address: 526 LANDER STREET RENO NV 89509- US
Mémo: CASE NO. 20-50660-GS

WELLS FARGO BANK, N.A.
12746 W JEFFERSON BLVD
PLAYA VISTA, CA 90094
FOR INQUIRIES CALL (480) 394-3122

\$50,000.00

VOID IF OVER US \$ 50,000.00

Authorized Signature

Align

Details on Back



Security Features Inside

June 6, 2023

Sent Via Email (mcl3303@aol.com and michaellehnerns@yahoo.com)

Michael C. Lehners, Esq.
429 Marsh Ave.
Reno, NV 89509

Re: *In re Metal Recovery Solutions, Inc.* Case No. BK-N-20-50660-GS

Dear Mike:

This is the second letter designed to provide written consent by JEX Technologies, Inc. (“JEX”) and Dr. Thom Seal, as the back-up bidders, for an extension of time for Element Global, Inc. (“Element”), the prevailing bidder, to perform and pay its \$2,500,000 purchase money to the Chapter 7 Trustee under the Order Approving Trustee’s Motion for Sale of Claims and Other Bankruptcy Estate Assets entered on May 5, 2023 (Doc. 317) (“Sale Order”).

The Sale Order provides in pertinent part:

IT IS FURTHER ORDERED that Element Global, Inc., shall pay the purchase price of \$2,500,000 in cash within five (5) business days of this Order becoming final and nonappealable.

IT IS FURTHER ORDERED that JEX Technologies Corp., and Dr. Seal are the backup bidders in the amount of \$2,450,000 (\$2,300,000 by Jex Technologies Corp., \$150,000 by Dr. Seal) on the same terms as Element Global, Inc., in the event that Element Global, Inc., does not complete the purchase under the terms of this Order. In that event, then Jex Technologies Corp., and Dr. Seal shall pay their backup bid within five (5) business days of the Chapter 7 Trustee’s email to all parties to this Order providing notice of Element Global, Inc.’s failure to perform.

Element already obtained an extension through June 5, 2023 with JEX’s and Dr. Seal’s consent. Amy Tirre, Esq., counsel for Element, reached out to us again and requested further extension through and including June 30, 2023 for Element to perform. It is our understanding that Element has offered and the Trustee has accepted Element’s offer to pay \$50,000 to the Trustee for the extension through June 30, 2023 as long as: (1) the \$50,000 is applied to the \$2,500,000 purchase price; (2) the \$50,000 is nonrefundable if Element fails to close by June 30, 2023; and (3) JEX and Dr. Seal consent to the extension through June 30, 2023 and agree to be bound as back up bidders under the Sale Order.

Both JEX and Dr. Seal hereby consent to an extension through and including Friday, June 30, 2023 for Element to perform under the Sale Order. JEX and Dr. Seal further consent and agree that the extension to Element does not alter their obligation to perform under the Sale Order, specifically, they are still bound by the Sale Order and remain back up bidders in the amount of

\$2,450,000 and shall pay their back up bid within five (5) business days of the Chapter 7 Trustee's email to all parties to the Sale Order providing notice of Element's failure to perform.

Please confirm receipt and that the Chapter 7 Trustee consents and agrees to the extension for Element to pay the \$2,500,000 purchase price through and including June 30, 2023.

Sincerely,

FOLEY & LARDNER, LLP

Ellen E. Ostrow, Esq.

Counsel for JEX Technologies, Inc.

Sincerely,

FLETCHER & LEE

Elizabeth Fletcher, Esq.

Counsel for Dr. Thom Seal

Reviewed and Agreed to by:



Amy N. Tirre, Esq.

Counsel for Element Global, Inc.

cc: Clients (via email)

June 6, 2023

Sent Via Email (mcl3303@aol.com and michaellehners@yahoo.com)

Michael C. Lehners, Esq.
429 Marsh Ave.
Reno, NV 89509

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FOLEY & LARDNER, LLP

Ellen E. Ostrow, Esq.

Counsel for JEX Technologies, Inc.

Sincerely,

FLETCHER & LEE



Elizabeth Fletcher, Esq.

Counsel for Dr. Thom Seal

Reviewed and Agreed to by:

Amy N. Tirre, Esq.

Counsel for Element Global, Inc.

cc: Clients (via email)

June 6, 2023

Sent Via Email (mcl3303@uol.com and michaellehnerns@yahoo.com)

Michael C. Lehnerns, Esq.
429 Marsh Ave.
Reno, NV 89509

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FOLEY & LARDNER, LLP



Ellen E. Ostrow, Esq.

Counsel for JEX Technologies, Inc.

Sincerely,

FLETCHER & LEE

Elizabeth Fletcher, Esq.

Counsel for Dr. Thom Seal

Reviewed and Agreed to by:

Amy N. Tirre, Esq.

Counsel for Element Global, Inc.

cc: Clients (via email)

CERTIFICATE OF SERVICE BY MAIL

Pursuant to Federal Rule of Civil Procedure 5(b), I certify that on the 7 day of June, 2023 I deposited for mailing in the United States Post Office in Reno, Nevada, with postage thereon fully prepaid, a true copy of the within **NOTICE OF EXTENSION OF TIME FOR EMPIRE CAPITAL MANAGEMENT, LLC TO TENDER THE \$2,500,000 PURSUANT TO THIS COURT'S MAY 5, 2023 ORDER APPROVING TRUSTEE'S MOTION TO APPROVE SALE OF CLAIMS AND OTHER BANKRUPTCY ESTATE ASSETS (ECE 317)** addressed as follows:

(ECF 317) addressed as follows:

Amy Tirre, Esq.
3715 Lakeside Drive
Suite A
Reno, NV 89509

Seth Adams, Esq.
Woodburn and Wedge
P. O. Box 2311
Reno, NV 89505

Elizabeth Fletcher, Esq.
Fletcher & Lee
448 Ridge St.
Reno, NV 89501

L. Edward Humphrey, Esq.
Humphrey Law PLLC
201 W. Liberty St, Ste 350
Reno, NV 89501

Louis M. Bubala, III
KAEMPFER CROWELL
50 W. Liberty Street, Suite 700
Reno, Nevada 89501

Ellen E. Ostrow, Esq.
Foley & Lardner LLP
95 S State Street, Suite 2500
Salt Lake City, UT 84111

U.S. Trustee
300 Booth Street, Room 3009
Reno, NV 89509

In addition a copy of the attached document was served to all registered participants in this case through the court's ECF system upon filing.

Dolores Stigall